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(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R. 1834

To amend the Small Business Act to expand and improve the assistance provided to Indian tribe members, Alaska Natives, and Native Hawaiians, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. KIRKPATRICK of Arizona introduced the following bill; which was referred to the Committee on

A BILL

To amend the Small Business Act to expand and improve the assistance provided to Indian tribe members, Alaska Natives, and Native Hawaiians, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native American Busi-
5 ness Development Enhancement Act of 2009”.

1 **SEC. 2. OFFICE OF NATIVE AMERICAN AFFAIRS; TRIBAL**
2 **BUSINESS INFORMATION CENTERS PRO-**
3 **GRAM.**

4 (a) ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of
5 the Small Business Act (15 U.S.C. 633(b)(1)) is amend-
6 ed—

7 (1) by striking “five Associate Administrators”
8 and inserting “six Associate Administrators”; and

9 (2) by inserting after “vested in the Adminis-
10 tration.” the following: “One such Associate Admin-
11 istrator shall be the Associate Administrator for Na-
12 tive American Affairs, who shall administer the Of-
13 fice of Native American Affairs established under
14 section 44.”.

15 (b) ESTABLISHMENT.—The Small Business Act (15
16 U.S.C. 631 et seq.) is amended—

17 (1) by redesignating section 44 as section 45;
18 and

19 (2) by inserting after section 43 the following:

20 **“SEC. 44. OFFICE OF NATIVE AMERICAN AFFAIRS AND**
21 **TRIBAL BUSINESS INFORMATION CENTERS**
22 **PROGRAM.**

23 “(a) OFFICE OF NATIVE AMERICAN AFFAIRS.—

24 “(1) ESTABLISHMENT.—There is established in
25 the Administration an Office of Native American Af-

1 fairs (hereinafter referred to in this subsection as
2 the ‘Office’).

3 “(2) ASSOCIATE ADMINISTRATOR.—The Office
4 shall be administered by an Associate Administrator
5 appointed under section 4(b)(1).

6 “(3) RESPONSIBILITIES.—The Office shall have
7 the following responsibilities:

8 “(A) Developing and implementing tools
9 and strategies to increase Native American en-
10 trepreneurship.

11 “(B) Expanding the access of Native
12 American entrepreneurs to business training,
13 capital, and Federal small business contracts.

14 “(C) Expanding outreach to Native Amer-
15 ican communities and aggressively marketing
16 entrepreneurial development services to such
17 communities.

18 “(D) Representing the Administration with
19 respect to Native American economic develop-
20 ment matters.

21 “(4) COORDINATION AND OVERSIGHT FUNC-
22 TION.—The Office shall provide oversight with re-
23 spect to and assist the implementation of all Admin-
24 istration initiatives relating to Native American en-
25 trepreneurial development.

1 “(5) AUTHORIZATION OF APPROPRIATIONS.—

2 To carry out this subsection, there is authorized to
3 be appropriated to the Administrator \$2,000,000 for
4 each of fiscal years 2010 and 2011.

5 “(b) TRIBAL BUSINESS INFORMATION CENTERS
6 PROGRAM.—

7 “(1) ESTABLISHMENT.—The Administrator is
8 authorized to operate, alone or in coordination with
9 other Federal departments and agencies, a Tribal
10 Business Information Centers program that provides
11 Native American populations with business training
12 and entrepreneurial development assistance.

13 “(2) DESIGNATION OF CENTERS.—The Admin-
14 istrator shall designate entities as centers under the
15 Tribal Business Information Centers program.

16 “(3) ADMINISTRATION SUPPORT.—The Admin-
17 istrator may contribute agency personnel and re-
18 sources to the centers designated under paragraph
19 (2) to carry out this subsection.

20 “(4) GRANT PROGRAM.—The Administrator is
21 authorized to make grants of not more than
22 \$300,000 to centers designated under paragraph (2)
23 for the purpose of providing Native Americans the
24 following:

25 “(A) Business workshops.

1 “(B) Individualized business counseling.

2 “(C) Entrepreneurial development train-
3 ing.

4 “(D) Access to computer technology and
5 other resources to start or expand a business.

6 “(5) REGULATIONS.—The Administrator shall
7 by regulation establish a process for designating cen-
8 ters under paragraph (2) and making the grants au-
9 thorized under paragraph (4).

10 “(6) DEFINITION OF ADMINISTRATOR.—In this
11 subsection, the term ‘Administrator’ means the Ad-
12 ministrator, acting through the Associate Adminis-
13 trator administering the Office of Native American
14 Affairs.

15 “(7) AUTHORIZATION OF APPROPRIATIONS.—
16 To carry out this subsection, there is authorized to
17 be appropriated to the Administrator \$15,000,000
18 for fiscal year 2010 and \$17,000,000 for fiscal year
19 2011.

20 “(c) DEFINITION OF NATIVE AMERICAN.—The term
21 ‘Native American’ means an Indian tribe member, Alaska
22 Native, or Native Hawaiian as such are defined in section
23 21(a)(8) of this Act.”.

1 **SEC. 3. SMALL BUSINESS DEVELOPMENT CENTER ASSIST-**
2 **ANCE TO INDIAN TRIBE MEMBERS, ALASKA**
3 **NATIVES, AND NATIVE HAWAIIANS.**

4 (a) IN GENERAL.—Section 21(a) of the Small Busi-
5 ness Act (15 U.S.C. 648(a)) is amended by adding at the
6 end the following:

7 “(8) ADDITIONAL GRANT TO ASSIST INDIAN
8 TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HA-
9 WAIIANS.—

10 “(A) IN GENERAL.—Any applicant in an
11 eligible State that is funded by the Administra-
12 tion as a Small Business Development Center
13 may apply for an additional grant to be used
14 solely to provide services described in subsection
15 (c)(3) to assist with outreach, development, and
16 enhancement on Indian lands of small business
17 startups and expansions owned by Indian tribe
18 members, Alaska Natives, and Native Hawai-
19 ians.

20 “(B) ELIGIBLE STATES.—For purposes of
21 subparagraph (A), an eligible State is a State
22 that has a combined population of Indian tribe
23 members, Alaska Natives, and Native Hawai-
24 ians that comprises at least 1 percent of the
25 State’s total population, as shown by the latest
26 available census.

1 “(C) GRANT APPLICATIONS.—An applicant
2 for a grant under subparagraph (A) shall submit to the Administration an application that is
3 in such form as the Administration may require. The application shall include information
4 regarding the applicant’s goals and objectives
5 for the services to be provided using the grant,
6 including—
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8 “(i) the capability of the applicant to
9 provide training and services to a representative number of Indian tribe members,
10 Alaska Natives, and Native Hawaiians;
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12 “(ii) the location of the Small Business Development Center site proposed by
13 the applicant;
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15 “(iii) the required amount of grant funding needed by the applicant to implement the program; and
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17 “(iv) the extent to which the applicant has consulted with local tribal councils.
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19 “(D) APPLICABILITY OF GRANT REQUIREMENTS.—An applicant for a grant under subparagraph (A) shall comply with all of the requirements of this section, except that the
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1 matching funds requirements under paragraph
2 (4)(A) shall not apply.

3 “(E) MAXIMUM AMOUNT OF GRANTS.—No
4 applicant may receive more than \$300,000 in
5 grants under this paragraph for any fiscal year.

6 “(F) REGULATIONS.—After providing no-
7 tice and an opportunity for comment and after
8 consulting with the Association recognized by
9 the Administration pursuant to paragraph
10 (3)(A) (but not later than 180 days after the
11 date of enactment of this paragraph), the Ad-
12 ministration shall issue final regulations to
13 carry out this paragraph, including regulations
14 that establish—

15 “(i) standards relating to educational,
16 technical, and support services to be pro-
17 vided by Small Business Development Cen-
18 ters receiving assistance under this para-
19 graph; and

20 “(ii) standards relating to any work
21 plan that the Administration may require a
22 Small Business Development Center receiv-
23 ing assistance under this paragraph to de-
24 velop.

1 “(G) ADVICE OF LOCAL TRIBAL ORGANIZA-
2 TIONS.—A Small Business Development Center
3 receiving a grant under this paragraph shall re-
4 quest the advice of a tribal organization on how
5 best to provide assistance to Indian tribe mem-
6 bers, Alaska Natives, and Native Hawaiians
7 and where to locate satellite centers to provide
8 such assistance.

9 “(II) DEFINITIONS.—In this paragraph,
10 the following definitions apply:

11 “(i) INDIAN LANDS.—The term ‘In-
12 dian lands’ has the meaning given the term
13 ‘Indian country’ in section 1151 of title 18,
14 United States Code, the meaning given the
15 term ‘Indian reservation’ in section 151.2
16 of title 25, Code of Federal Regulations
17 (as in effect on the date of enactment of
18 this paragraph), and the meaning given
19 the term ‘reservation’ in section 4 of the
20 Indian Child Welfare Act of 1978 (25
21 U.S.C. 1903).

22 “(ii) INDIAN TRIBE.—The term ‘In-
23 dian tribe’ means any band, nation, or or-
24 ganized group or community of Indians lo-
25 cated in the contiguous United States, and

1 the Metlakatla Indian Community, whose
2 members are recognized as eligible for the
3 services provided to Indians by the Sec-
4 retary of the Interior because of their sta-
5 tus as Indians.

6 “(iii) INDIAN TRIBE MEMBER.—The
7 term ‘Indian tribe member’ means a mem-
8 ber of an Indian tribe (other than an Alas-
9 ka Native).

10 “(iv) ALASKA NATIVE.—The term
11 ‘Alaska Native’ has the meaning given the
12 term ‘Native’ in section 3(b) of the Alaska
13 Native Claims Settlement Act (43 U.S.C.
14 1602(b)).

15 “(v) NATIVE HAWAIIAN.—The term
16 ‘Native Hawaiian’ means any individual
17 who is—

18 “(I) a citizen of the United
19 States; and

20 “(II) a descendant of the aborigi-
21 nal people, who prior to 1778, occu-
22 pied and exercised sovereignty in the
23 area that now constitutes the State of
24 Hawaii.

1 “(vi) TRIBAL ORGANIZATION.—The
2 term ‘tribal organization’ has the meaning
3 given that term in section 4(l) of the In-
4 dian Self-Determination and Education
5 Assistance Act (25 U.S.C. 450b(l)).

6 “(I) AUTHORIZATION OF APPROPRIA-
7 TIONS.—There is authorized to be appropriated
8 to carry out this paragraph \$7,000,000 for each
9 of fiscal years 2010 and 2011.

10 “(J) FUNDING LIMITATIONS.—

11 “(i) NONAPPLICABILITY OF CERTAIN
12 LIMITATIONS.—Funding under this para-
13 graph shall be in addition to the dollar
14 program limitations specified in paragraph
15 (4).

16 “(ii) LIMITATION ON USE OF
17 FUNDS.—The Administration may carry
18 out this paragraph only with amounts ap-
19 propriated in advance specifically to carry
20 out this paragraph.”.